

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FORBES IP (HK) LIMITED,
Petitioner,

- against -

MEDIA BUSINESS GENERATORS,
S.A. de C.V.,

Respondent.

Civil Action No. 1:23-cv-11168-JGLC-BCM

**DECLARATION OF LUIS ALFONSO
CERVANTES CASTILLO**

I, Luis Alfonso Cervantes Castillo, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a founding partner at the law firm of Cervantes-Díaz Abogados, Mexican legal counsel for Respondent Media Business Generators, S.A. de C.V. (“MBG”). I speak English and Spanish. The statements in this Declaration are based on my personal knowledge.
2. I represent MBG in its negotiations with Petitioner Forbes IP (HK) Limited (“Forbes”) related to MBG’s proposed renewal of an Amended and Restated License Agreement dated October 1, 2018 between the parties (as amended, the “License Agreement”).
3. Attached to this Declaration as **Exhibit A** is a true and correct copy of a letter dated July 14, 2023 from the Chairman of MBG’s Board of Directors, Mariano Daniel Menendez, to Forbes regarding MBG’s proposed renewal of the License Agreement.
4. Attached to this Declaration as **Exhibit B** is a true and correct copy of a letter dated September 14, 2023 from Forbes to Mr. Menendez responding to his July 14, 2023 letter.
5. Attached to this Declaration as **Exhibit C** is a true and correct copy of a letter dated December 6, 2023 from Mr. Menendez to Forbes invoking the parties’ dispute resolution mechanism under the License Agreement.

6. The parties dispute whether Forbes' approval of MBG's renewal proposal was unreasonably withheld under the terms of the License Agreement or otherwise the product of Forbes' bad faith. The parties' dispute is ongoing.

7. On December 8, 2023, MBG petitioned the Superior Court of Justice of Mexico City for a preliminary, pre-arbitration injunction. That matter was assigned to the docket of the 50th Civil Court in Mexico City, under docket number 1334/2023.

8. On December 12, 2023, the Superior Court of Justice granted the injunction requested by MBG. As required for this type of action, that court ordered MBG to post a bond in the amount of MXN 500,000 (five hundred thousand Mexican Pesos) to serve as guarantee for any damages the injunction could cause to Forbes.

9. On January 8, 2024, MBG posted bond policy number 2877533, issued by Sofimex, Institución de Garantías, S.A., for the ordered amount of 500,000 Mexican Pesos.

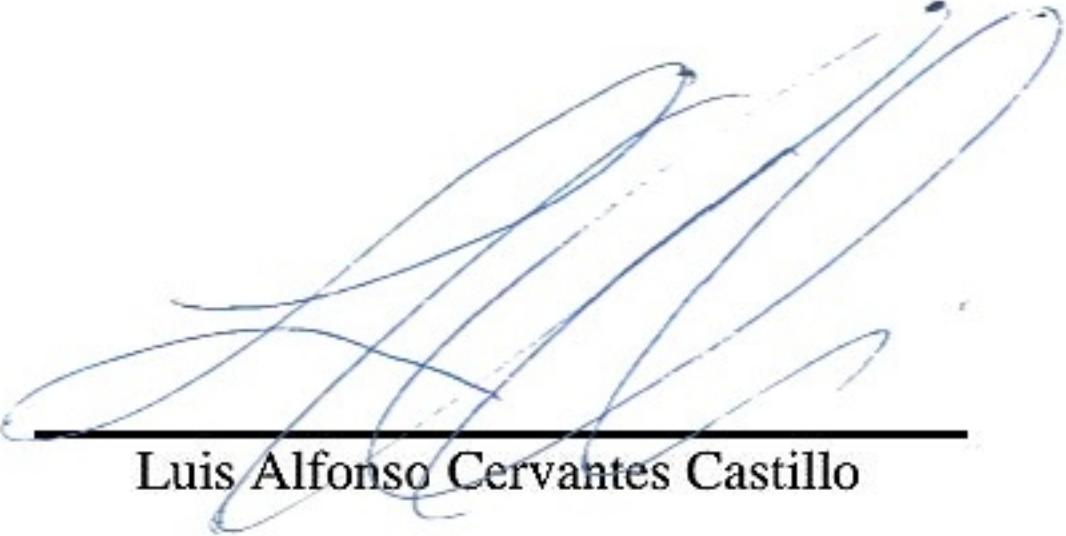
10. On January 10, 2024, the Superior Court of Justice acknowledged receipt of the posted bond, accepted it, and expressed that MBG had properly complied with that court's order, confirming the full force and effect of the injunction granted. A true and correct copy of the Court's acknowledgement and a certified English translation of the acknowledgement are attached to this Declaration as **Exhibit D**.

11. I know of no resolution issued by a proper and competent authority or court that may have revoked or suspended in any manner the Mexican court's injunction.

12. Under Mexican law, and according to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, service on Forbes of the Mexican court's injunction must be made by the 50th Civil Court in Mexico City via letter rogatory through the Mexican Foreign Affairs Secretariat. This process is ongoing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of February 2024 in
Mexico City, Mexico



Luis Alfonso Cervantes Castillo